

REMARKS

The Advisory Action mailed June 25, 2010, has been received and its contents carefully noted. Claims 1, 4-23 and 25-34 were pending. Claims 1, 4, 5, and 25-34 were rejected. Claims 6-23 were withdrawn from consideration. By this Response, claims 1 and 29 have been amended and claims 28 and 30 canceled.

The Examiners' withdrawal of the following rejections in the Advisory Action is noted with appreciation: the rejection of claims 1, 4, 5 and 25-34 under the first paragraph of section 112; the rejection of claims and the obviousness type double patenting rejection based on application No. 11/249,315.

Rejection under 35 U.S.C. 103(a)

Claims 1, 4, 5 and 25-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soane (US 20030013369) in view of the Handbook of Fillers-A-Definitive User's Guide and Databook, "The Handbook".

The claim 1 has been amended to recite a specific BET range for the hydrophilic silica particles, which have an average particle size of from 1 nm to 20 μ m and are anchored in the surface or secured in a carrier layer. The surface is characterized as having high water absorption/retention. In claim 25, the article is a cleaning textile. In claim 26, the article is a fiber. Claim 29 specifies the hydrophilic surface comprises 50 to 95% fumed hydrophilic silica particles.

Soane et al. do not expressly teach or suggest an article where water retention is enhanced by the presence of hydrophilic pyrogenic silica particles. There is no mention of this characteristic nor is there an apparent recognition of BET values or the amount of particles that

must be present on the surface to insure that it is hydrophilic and, also that it has the ability to retain water in large amounts. It does not mention a cleaning textile. Fibers are mentioned but not in the context of Applicants' invention.

The Soane et al. objective is clear. Soane et al. teach that there is a need for a robust and precisely controllable methodology to durably attach agents to fibers, yarns, fabrics and/or textiles (webs), without impairing the desired characteristics of the agent.. See paragraph [0004]. The agent is an encapsulator, which is a bead or matrix- a nano-particle having a polymeric shell which surrounds a releasable "payload". Fragrances, biocides, antifungals, etc. are released from the agents over time.

Soane et al mention two applications where metal oxides are introduced to "textiles"- UV-Protective Textile-Reactive Nanoparticles (Paragraphs [0121] et seq.) and Colloidal Pigments/Reflectors (paragraphs [0148] et seq.). In both instances, the metal/metalloid oxides are coated or surface modified. See paragraphs [0124] (silanized) and [0149] (silanized or polymer coated). Silanization of silica would render its surface hydrophobic. There is no indication in these passages a hydrophilic surface having high water retention capacity. There is no mention of a surface area size (percentage) that would lead to this trait.

It is clear that the optimization of the Soane et al methodology, especially where metal oxides are mentioned, would not lead to the claimed articles or the hydrophilic surface area falling which would have a high water retention characteristics.

It is not seen how the "Handbook" remedies the deficiencies of Soane et al enumerated above. Soane et al. and the "Handbook", even taken together do not suggest the concept upon which the claimed invention is based. Also, it is not seen why the references would be combined, considering the requirements of the claims as amended.

Withdrawal of the rejection is respectfully requested.

Rejections under the Court Doctrine of Obviousness-Type Double Patenting

Claims 1, 5, 25-27 and 29-31 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 3 and 7 of U.S. Patent Application Serial No. 10/506,604. Applicants respectfully traverse.

Applicants have consulted PAIR (uspto.gov). The status of the application is Abandoned for Failure to respond to an Office Action (Final Rejection).

Accordingly, the rejection appears moot. Its withdrawal is respectfully requested.

Claims 1, 5, 25-27 and 29-31 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 3 and 7 of U.S. Patent Application Serial No. 10/506,236. Applicants respectfully traverse.

Applicants have consulted PAIR (uspto.gov). The application has an abandoned status-failure to pay base issue fee. There is no indication that a petition has been filed. Further, there is no indication of a daughter application.

Withdrawal of the rejection is respectfully requested.

Request for Interview

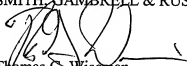
A telephonic or an in-person interview is respectfully requested should there be any remaining issues.

CONCLUSION

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Therefore, it is respectfully requested that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, in the event that additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. 1.136(a), and any fees required therefor are hereby authorized to be charged to **Deposit Account No. 02-4300, Attorney Docket No. 032301.602.**

Respectfully submitted,
SMITH, GAMBRELL & RUSSELL, LLP



Thomas G. Wiseman
Reg. No. 35,046

Date: July 12, 2010

1130 Connecticut Ave., NW, #1130
Washington, D.C. 20036
Telephone: (202) 263-4300
Facsimile: (202) 263-4329